

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, *et al.*

Defendants.

Civil Action No. 3:17-01362

---

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, *et al.*

Defendants.

Civil Action No. 3:17-01665

**DEFENDANTS' MOTION TO COMPEL PRODUCTION OF  
CERTAIN CITY OF HUNTINGTON DOCUMENTS**

Pursuant to Rules 26, 34, and 37 of the Federal Rules of Civil Procedure, Defendants, by counsel, hereby move for an order compelling the production of documents underlying the challenged privilege claims described in Defendants' accompanying memorandum of law. Defendants' motion should be granted for the reasons set forth in the accompanying memorandum of law, which is incorporated here. Pursuant to LR Civ P 7.1(a), copies of all documents, affidavits, and other such materials or exhibits referenced in the memorandum and upon which this motion relies are attached to this motion. Defendants further certify that they have conferred with counsel for Plaintiffs in an effort to resolve the subject discovery dispute without court intervention.

Dated: July 9, 2020

Respectfully Submitted,

***McKesson Corporation***

By Counsel:

/s/ Jeffrey M. Wakefield

Jeffrey M. Wakefield (WVSB #3894)  
jwakefield@flahertylegal.com  
Jason L. Holliday (WVSB #12749)  
jholliday@flahertylegal.com  
FLAHERTY SENSABAUGH BONASSO PLLC  
P.O. Box. 3843  
Charleston, WV 25338-3843  
Telephone: (304) 345-0200

/s/ Carol Dan Browning

Carol Dan Browning  
Stites & Harbison, PLLC  
400 West Market Street  
Suite 1800  
Louisville, Kentucky 40202  
Telephone: (502) 587-3400  
Facsimile: (502) 587-6391  
cbrowning@stites.com

/s/ Timothy C. Hester

Timothy C. Hester  
Mark H. Lynch  
Christian J. Pistilli  
Laura Flahive Wu  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street NW  
Washington, DC 20001  
Tel: (202) 662-5324  
thester@cov.com  
mlynch@cov.com  
cpistilli@cov.com  
lflahivewu@cov.com

***AmerisourceBergen Drug Corporation***

By Counsel:

/s/ Gretchen M. Callas

Gretchen M. Callas (WVSB #7136)  
JACKSON KELLY PLLC  
Post Office Box 553  
Charleston, West Virginia 25322  
Tel: (304) 340-1000  
Fax: (304) 340-1050  
gcallas@jacksonkelly.com

/s/ Robert A. Nicholas

Robert A. Nicholas  
Shannon E. McClure  
REED SMITH LLP  
Three Logan Square  
1717 Arch Street, Suite 3100  
Philadelphia, PA 19103  
Tel: (215) 851-8100  
Fax: (215) 851-1420  
rnicholas@reedsmith.com  
smcclure@reedsmith.com

***Cardinal Health, Inc.***

By Counsel:

/s/ Steven R. Ruby

Michael W. Carey (WVSB No. 635)  
Steven R. Ruby (WVSB No. 10752)  
David R. Pogue (WVSB No. 10806)  
Raymond S. Franks II (WVSB No. 6523)  
CAREY DOUGLAS KESSLER & RUBY PLLC  
901 Chase Tower, 707 Virginia Street, East  
P.O. Box 913  
Charleston, WV 25323  
Telephone: (304) 345-1234  
Facsimile: (304) 342-1105  
mwcarey@csdlawfirm.com  
sruby@cdkrlaw.com  
drpogue@csdlawfirm.com  
rfranks@cdkrlaw.com

/s/ Enu Mainigi

Enu Mainigi  
F. Lane Heard III  
Ashley W. Hardin  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street NW  
Washington, DC 20005  
Tel: (202) 434-5000  
Fax: (202) 434-5029  
emainigi@wc.com  
lheard @wc.com  
ahardin@wc.com